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STEVE HEMINGER
Executive Director

ANDREW B. FREMIER
Deputy Executive Director

April 7, 2009

REQUEST FOR PROPOSAL

for Preparation of a Project Study Report for the Gateway Park Area in the San Francisco Bay Area

Letter of Invitation

Dear Consultant:

The Bay Area Toll Authority ("BATA") invites your firm to submit a proposal to conduct a Project Study Report (PSR) for the Gateway Park Area in the San Francisco Bay Area. The Gateway Park Area is located just south of the toll plaza of the San Francisco-Oakland Bay Bridge (See Figure 1). (Note: Additional documents, maps and descriptions of the Gateway Park Area and planning process can be found on the BATA website at <www.mtc.ca.gov/jobs>). The main objective of the Gateway Park Area PSR is to advance the planning for the Gateway Park Area by defining and reaching regional and local agreement on a scope, cost and funding plan for a Gateway Park Area project.

The Gateway Park PSR will examine alternatives in regards to land uses, activities, environmental impacts, and access to define a project scope, schedule, and cost estimate for the development of a Gateway Park Area. The development of the PSR will include community and stakeholder input to develop a project scope that is compatible with the goals of and to achieve consensus among regional and local communities and jurisdictions. The PSR will define the cost of a project and identify potential funding sources for the components of the project. The PSR is intended to be a practical document that sets the stage for the in-depth environmental evaluation and detailed project design.

The overall development of the PSR will be managed by the Gateway Park Working Group (GPWG), which includes representatives of a number of stakeholder agencies, as follows:

- Association of Bay Area Governments (ABAG)
- Bay Area Toll Authority (BATA)
- Bay Conservation and Development Commission (BCDC)
- California Department of Transportation (Caltrans)
- California Transportation Commission (CTC)
- City of Oakland
- East Bay Municipal Utility District (EBMUD)
- East Bay Regional Park District (EBRPD)
- Port of Oakland

JOSEPH P. BORT METROCENTER | 101 EIGHTH STREET | OAKLAND, CA 94607-4700

TEL 510.817.5700 | TTY/TDD 510.817.5769 | FAX 510.817.5848 | E-MAIL info@mtc.ca.gov | WEB www.mtc.ca.gov

Figure 1: Gateway Park Area (Area of Study and Area of Influence)



This letter and enclosures comprise the Request for Proposal (RFP) for this project. You may download a copy of the RFP from BATA's website at www.mtc.ca.gov/jobs. Responses must be submitted in accordance with the instructions set forth in this RFP.

Proposal Due Date

Proposers interested in performing the work required under this RFP must submit one original, six (6) hard copies, and one (1) softcopy (MS WORD or PDF on CD) to BATA, c/o of the Project Manager at the address given below, no later than **Friday, May 22, 2009 at 4:00 PM PST**.

Proposals received after that date and time will not be considered.

A submitted proposal shall be considered a firm offer to provide the services described for a period of one hundred twenty (120) days from the date of submittal.

Proposals and all inquiries relating to this RFP shall be submitted to the Project Manager at the address shown below. E-mail inquiries may be directed to rmmillan@mtc.ca.gov.

Rod McMillan
Bay Area Toll Authority
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
510/817-5860

Scope of Work, Schedule and Budget

The Scope of Work is set out in *Appendix A*, which describes the specific tasks and deliverables under this RFP. In general, the Scope of Work involves examining alternatives to define a project scope, assessing environmental impacts and requirements, developing project schedules cost estimates and providing process for public and stakeholder input for the development of a Gateway Park Area project.

A maximum of nine hundred fifty thousand dollars (\$950,000) is available for all consulting services provided under this project. While a maximum budget of \$950,000 has been established, cost effectiveness is an evaluation factor. It is expected that the project will begin in July 2009 and be completed within 18 months.

Proposers' Conference and Requests for Exceptions

BATA will hold a Proposer's Conference on Monday, April 20, 2009 at 1:00 PM PST at the Joseph P. Bort MetroCenter Building, 101 8th Street, Oakland, in the Claremont Conference Room.

Requests for clarification/questions and requests for exception or modification to provisions of the RFP must be received no later than 10:00 A.M., Monday, April 27, 2009 to guarantee consideration and a response.

Any addenda to this RFP and questions and answers regarding requirements will be published on BATA's website <www.mtc.ca.gov/jobs>. Proposers are responsible for checking the website for any addenda and responses to questions released. All firms attending the Proposers Conference will receive individual notice of any addenda or written responses to questions that may be issued by BATA.

Proposal Evaluation

Proposals will be evaluated in accordance with the evaluation factors listed in Section IV of the RFP. BATA reserves the right to accept or reject any or all proposals submitted, waive minor irregularities in proposals, request additional information or revisions to offers or to negotiate with any or all Proposers. Any contract award will be to the Proposer that presents the proposal that, in the opinion of BATA, is the most advantageous to BATA, based on the evaluation criteria specified in Section IV.

Contractor Selection Timetable

Proposers' Conference	Monday, April 20, 2009 at 1:00 PM PST Joseph P. Bort MetroCenter Building 101 8 th Street, Oakland, Claremont Conference Room
Closing date for receipt of requests for clarification/questions and requests for exceptions or modifications to RFP provisions	10 AM, Monday, April 27, 2009
Closing date/time for receipt of proposals	Friday, May 22, 2009 at 4:00 PM PST
Interviews (<i>if necessary</i>)	Week of June 1, 2009
Recommend Award to BATA Oversight Committee	Wednesday, July 8, 2009
Execution of Contract	Friday, July 31, 2009 (approximate)

General Conditions

BATA will not reimburse any Proposer for costs related to preparing and submitting a proposal. Materials submitted by Proposers are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*).

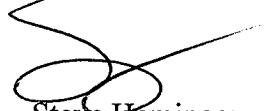
A synopsis of BATA's contract provisions is in *Appendix D, Synopsis of Provisions in BATA's Standard Consultant Agreement*. In particular, your attention is directed to the insurance provisions in *Appendix D*. Any requests for exception to the insurance requirements must be brought to BATA's attention on or before the date and time established above; otherwise, willingness to comply with the insurance requirements will be assumed.

Authority to Commit BATA

Based on an evaluation conducted by an evaluation panel, the Executive Director will recommend a Contractor to the BATA Oversight Committee, which will commit BATA to the expenditure of funds in connection with this RFP.

Thank you for your participation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Heminger', with a large, stylized loop at the end.

Steve Heminger
Executive Director

SH: RMcM

J:\CONTRACT\Procurements\Planning&Analysis\RFPs\FY 08-09\BATA Gateway Park PSR.doc

REQUEST FOR PROPOSALS
of the
BAY AREA TOLL AUTHORITY

for the
PREPARATION OF A PROJECT STUDY REPORT
FOR THE GATEWAY PARK AREA
IN THE SAN FRANCISCO BAY AREA

April 7, 2009

Joseph P. Bort
MetroCenter
101 Eighth Street
Oakland, California 94607-4700

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I. BACKGROUND & PROJECT DESCRIPTION

A. Background

The Bay Area Toll Authority (BATA) is responsible for the collection and administration of the toll revenue collected and with the funding and oversight of the Regional Measure 1 toll bridge capital improvement program, the funding and oversight of the toll bridge Seismic program and funding the operation and maintenance services for the seven state-owned toll bridges in the San Francisco Bay Area. For the Gateway Park Area PSR project, BATA is serving as the contracting agency for the project.

The Gateway Park Area includes a number of property owners, with various ongoing and planned development processes, regulatory permitting requirements and multiple use requirements. A Gateway Park Working Group (GPWG), which includes the agencies that have a stake in the area have been meeting for the past year and a half to ensure that a collaborative and comprehensive approach to developing the area is realized.

There have been two Visioning Conferences held in regards to the Gateway Park Area. The Visioning Conferences included policy and executive management representatives of the stakeholder agencies. At the most recent Visioning Conference, held in February 2009, the conference participants directed the GPWG to embark on a PSR process to advance the planning and define a scope for the development of the Gateway Park Area.

As part of the Visioning Conferences and the GPWG meetings, there have been a number of documents developed regarding the Gateway Park Area project, which can be obtained on the BATA website at <www.mtc.ca.gov/jobs>.

B. Project Description

The objective of the Gateway Park Area PSR is to advance the planning for the Gateway Park Area by defining and reaching regional and local agreement on a scope for a Gateway Park Area project. In summary, the PSR will address, but not be limited to, the following:

- Developing purpose and need and for the project
- Analyzing project alternatives (Land uses, facilities, infrastructure, access, etc.)
- Conducting public and stakeholder presentations, meetings and workshops
- Identifying required environmental documentation and mitigations and permitting
- Identifying right-of-way issues, acquisitions and agreements
- Developing project cost estimates
- Identifying potential or proposed sources of funding
- Developing institutional arrangements and processes for the project implementation
- Preparing project design and construction staging and schedules

The PSR will address two primary areas:

- Gateway Park Area - Area of Study (See Figure 1 on Page 2): The main focus of the PSR will be for the development and access to the park facilities (e.g. roadways, pathways, facilities (Museum), services, etc.). The PSR will also address the areas that are in immediate proximity of the park area to ensure that the park and surrounding areas are developed in a compatible manner. It should be noted that much of the area in direct proximity of the park area is part of the City of Oakland's ongoing development process. The PSR will primarily rely on that development process for the specific land uses and activities for those areas.
- Larger Area of Influence (See Figure 1 on Page 2): For the "Area of Influence," the PSR will mostly focus on examining access considerations to the Gateway Park area. The City of Oakland, Port of Oakland and East Bay Municipal Utilities District (EBMUD) are in various planning and development processes for those lands. Much of the resulting developments and timing of those developments is unknown at this time. Therefore, it is proposed that for the areas identified as Area of Influence, the PSR will mainly focus on identifying potential considerations, opportunities and constraints as related to accessing Gateway Park Area.

The PSR will develop a number of deliverables for presentation and review as stated in the Scope of Work provided in *Appendix A*.

II. SCOPE OF WORK, SCHEDULE AND BUDGET

The selected Consultant shall perform all work necessary to complete the Scope of Work provided in *Appendix A*. A maximum of nine hundred fifty thousand dollars (\$950,000) is available for all consulting services provided under this project. The actual amount paid will be based on proposers' price proposals. Payment for the project will be fixed-price, based on the selected Consultant's project budget for the deliverables and milestones specified in *Appendix A*, Scope of Work. It is expected that the project will begin in July 2009 and be completed within 18 months.

III. FORM OF PROPOSAL

Proposers must submit one original, six (6) hard copies and one (1) softcopy of their proposal (in MS Word or PDF on CD) by **Friday, May 22, 2009 at 4:00 PM PST** to be considered.

Proposals should be typed with a minimum 12-point font and submitted on 8 ½" x 11" paper, using a single method of fastening. Softcopies of proposals must be submitted in electronic format in MS WORD or non-restricted PDF on CD. Proposal content and completeness are most important. Although no page limitation will be imposed, clarity is essential and will be considered in assessing the proposers' capabilities. All proposals should contain the following:

A. Transmittal Letter

An official authorized to bind the Proposer must sign the transmittal letter. The transmittal letter should identify the project team, including lead Contractor and any subcontractors. The

transmittal letter should also include the name, telephone number and email address of the primary contact person. The transmittal letter should include a statement that the proposal is a binding offer to contract with BATA according to the requirements, including the insurance requirements, of this RFP for a period of 120 days from the due date for submission of proposals.

B. Title Page

Title page showing the RFP subject, the name of the proposer's firm, address, telephone number, name of contact person, and the date.

C. Table of Contents

A table of contents that includes a clear identification of the material by section and page number.

D. Summary of Approach

This section should consist of a discussion of the proposed approach to the performance of the work requested that illustrates the Consultant's understanding of the nature of the work being requested and the general approach to be taken. It should include, but not be limited to, the following:

- Discussion of the purpose of the project;
- A summary of the proposed approach specific to each task;
- Assumptions made in selecting the approach; and
- Identification of any difficult issues that may affect the implementation of the project and how these issues will be addressed.

E. Detailed Work Plan

This section should include:

1. Discuss how each task of the project will be conducted, identify deliverables, and propose a preliminary schedule. The description of the proposed approach to performing the project should fully discuss the tasks in sufficient detail to demonstrate a clear understanding of the project. The schedule should show the expected sequence of tasks and important milestones. The selected Consultant, in consultation with BATA staff, will develop a final work plan and schedule for each deliverable.
2. Provide a detailed staffing plan for each task of the work. Identify all key personnel by name and the specific tasks for which each individual will be responsible. Identify other personnel by job description.
3. Describe role of any subcontractors, including any key personnel, and their specific responsibilities, and how their work will be supervised. Detail where Consultant and subcontractors have worked together before.
4. Describe potential problem areas, scheduling bottlenecks, critical path items and any other obstacles to successful and timely completion of this project. Describe how you plan to address and overcome these obstacles.

F. Management Plan

1. Describe approach to managing work and ensuring quality results. Include an organizational chart showing roles and responsibilities of key personnel and reporting structure, and identify who will have project management responsibilities.
2. Describe response mechanisms for dealing with problems and concerns. Identify the major potential problem areas or challenges to successful completion of this project. Describe a plan to address these problems or challenges.

G. Qualifications and References

1. A detailed statement of the firm's qualifications and previous experience in conducting similar work, and short resumes of the personnel the Consultant intends to use to perform the project, summarizing the individual's training and experience relevant to this project. This section should demonstrate experience and expertise in all areas required to perform work described in *Appendix A, Scope of Work*. If subcontractors are used, include the resumes of key subcontractor personnel, as well.
2. A summary (no longer than one page each) of at least three (3) projects similar in subject matter and scope to this project, including the client agency, the contract term and amount, and a contact person (with telephone number and e-mail) who may be contacted as a reference.
3. List any contracts with any of the GPWG agencies (listed on Page 1 of the Letter of Invitation) held by the Consultant or any of its subconsultants in the past three (3) years, including a brief description of the scope of work, the contract amount, date of execution and the project name.

H. Proposed Budget

Provide a full description and breakdown of the expected expenditures of funds for the proposed project, as set forth in *Appendix A, Scope of Work*. A proposed budget should present a breakdown of hours and expenses by task for the project. It should identify the key personnel or job descriptions in relation to each task to provide a full explanation of the resources committed to the project and should include the hourly rates for all personnel. Key personnel should be named; other personnel may be listed by job description. Expenses should be included such that all project costs are indicated. The task budget should be set forth in the Sample Task Budget Form attached hereto as *Appendix B* to this RFP.

I. California Levine Act Statement

Submit a signed Levine Act statement (*Appendix C*).

IV. PROPOSAL EVALUATION

A. Review for General Responsiveness

The Project Manager, in consultation with the BATA Office of General Counsel, will conduct an initial review of the proposals for general responsiveness. Any proposal that does not include

enough information to permit the evaluators to rate the proposal in any one of the evaluation factors listed below will be considered non-responsive. A proposal that fails to include one or more items requested in Section III, Form of Proposal, may be considered complete and generally responsive, if evaluation in every criterion is possible.

B. Evaluation

Responsive proposals will then be evaluated by a panel of staff representatives from BATA and GPWG agencies, based on the following evaluation factors, listed in descending order of importance:

- Approach to conducting and completing the project, including but not limited to: understanding of the purpose and requirements of the project; proposed work plan and schedule; strategy for managing resources, including subcontractors' personnel and project output; and dealing with project challenges or obstacles;
- Individual project staff and firm expertise and experience in similar types of projects involving:
 - project management;
 - site planning (land uses, facilities, infrastructure, access, etc.);
 - environmental analysis, documentation and mitigations;
 - right-of-way issues acquisitions and agreements;
 - project cost estimates and funding;
 - institutional arrangements and processes for the project implementation; and
 - project design and construction staging and schedules.
- Team and individual familiarity with Bay Area jurisdictions and institutional relationships and demonstrated ability to work closely and cooperatively with a large working group.
- Demonstrated experience in working with the public, policy boards and other organizations to effectively receive, document and respond to input in regards to the project.
- Presentation effectiveness, including the abilities to write, illustrate, and present both qualitative and quantitative information in a clear and illustrative manner.
- Cost effectiveness of proposal and use of budget.

Following the evaluation, the panel may elect to recommend award to a particular proposer or develop a "short list" of proposers. References may be checked for one or more of such short-listed proposers prior to final evaluation. Following interviews (if held) of the short-listed firms, the evaluation panel will conduct the final evaluation, based on the written proposals, oral interviews and reference checks.

BATA reserves the right to not convene interviews and to make an award on the basis of written proposals, alone. Further, BATA reserves the right to accept or reject any and all submitted

proposals, to waive minor irregularities, and to request additional information from the proposers at any stage of the evaluation.

C. Recommendation for Award

Following review of written Proposals, and interviews, if held, the evaluation panel will recommend a Proposer to the Executive Director. If approved by the Executive Director, the recommendation will be presented to the BATA Oversight Committee for approval.

V. GENERAL CONDITIONS

A. Limitations

This Request for Proposals (RFP) does not commit BATA to award a contract or to pay any costs incurred in the preparation of a proposal in response to this RFP.

B. Award

Any award made will be to the Consultant whose proposal is most advantageous to BATA, based on the evaluation criteria outlined above.

C. Binding Offer

A signed proposal submitted to BATA in response to this RFP shall constitute a binding offer from Proposer to contract with BATA according to the terms of the proposal for a period of 120 days after the due date for submission of proposals to BATA.

D. Contract Arrangements

The selected Consultant will be expected to execute a contract based on the terms and conditions in *Appendix D, Synopsis of BATA's Standard Consultant Agreement*. Proposers who wish to review the full contract prior to proposal submission should request a copy from the BATA Project Manager. Particular attention should be paid to BATA's insurance and indemnification requirements. **Requests for clarification/questions and requests for exception or modification to any provision of the RFP or its appendices must be submitted no later than the deadline established in the Letter of Invitation in order to guarantee consideration. If such requests for exception or modification are not brought to BATA's attention within the time specified, concurrence by the proposer will be assumed.**

E. Selection Disputes

A Proposer may object to a provision of the RFP on the grounds that it is arbitrary, biased, or unduly restrictive, or to the selection of a particular Contractor on the grounds that BATA procedures, the provisions of the RFP or applicable provisions of federal, state or local law have been violated or inaccurately or inappropriately applied by submitting to the BATA Project Manager a written explanation of the basis for the protest:

- 1) No later than five (5) working days prior to the date proposals are due, for objections to RFP provisions;
- 2) No later than three (3) working days after the date on which the proposer is notified that it was found to be non-responsive; or

- 3) No later than three (3) working days after the date on which contract award is authorized or the date the Proposer is notified that it was not selected, whichever is later, for objections to Consultant selection.

Except with regard to initial determinations of non-responsiveness, the evaluation record shall remain confidential until the BATA Oversight Committee authorizes award.

Protests of recommended awards must clearly and specifically describe the basis for the protest in sufficient detail for the BATA review officer to recommend a resolution to the BATA Executive Director.

The BATA Executive Director will respond to the protest in writing, based on the recommendation of a staff review officer. Authorization to award a contract to a particular firm by BATA's Oversight Committee shall be deemed conditional until the expiration of the protest period or, if a protest is filed, the issuance of a written response to the protest by the Executive Director.

Should the protesting Proposer wish to appeal the decision of the Executive Director, it may file a written appeal with the BATA Oversight Committee, no later than three (3) working days after receipt of the written response from the Executive Director. The Oversight Committee's decision will be the final agency decision.

F. Public Records

This RFP and any material submitted in response to this RFP are subject to public inspection under the California Public Records Act (Government Code § 6250 *et seq.*), unless exempt by law. Proposals will remain confidential until the BATA Oversight Committee has authorized award. Other than information exempt from disclosure by law, the content of proposals submitted to BATA will be made available for inspection consistent with its policy regarding Public Records Act requests.

APPENDIX A, SCOPE OF WORK

The selected Consultant will be required to accomplish a Project Study Report (PSR) for the Gateway Park Area in the San Francisco Bay Area. The PSR will work conducted by the Consultant will be directed by the Gateway Park Working Group (GPWG), which includes a number of stakeholder agencies. It should be noted that it is expected that the Consultant will be required to work closely with and at the direction of the GPWG for completion of the project.

Task #1: Project Management and Participation Plan

The Consultant will organize the project through:

- a. Development of a project management plan and schedule that specifies the project tasks and the resources required to complete them. The schedule should be coordinated with the meeting schedules for the Gateway Park Working Group (GPWG), Toll Bridge Program Oversight Committee (TBPOC), made up of the Director of Caltrans and Executive Directors of BATA and the CTC, City of Oakland, East Bay Regional Park District and other stakeholder meeting.
- b. Development of a public outreach, participation and communications plan that proposes specific methods for distributing information (e.g. web sites, newsletters, etc.) about the project and processes for public and stakeholder input (e.g. workshops, ongoing meetings, etc.) into the PSR. The public participation and communications plan shall include a plan and schedule for meeting with community and stakeholder groups, local and regional agency management and policy boards, the TBPOC, and other groups as required. The communications plan shall also define a strategy for media communications. The creation of a Public Advisory Committee composed of members of the public appointed by the involved agencies should be considered.
- c. Development of an overall table of participation and governance for the project that clarifies the roles of the various participants in the process. This task will involve the facilitation of a process including all stakeholders to determine the authority each member has over the process. Governance should reflect the commitment of funds to this process, ownership of property directly affected by this project and degree of regulatory authority over this project. The creation of a governance group, technical and public advisory committees as well as a stakeholder's roundtable should be considered in completing this task.

*Deliverables: #1a - Project Management Plan
#1b - Public/Stakeholder Participation Plan
#1c - Table of participation and governance*

Task #2: Conduct Public Outreach, Project Coordination and Communications Strategy

Pursuant to the Project Management and Participation Plan developed in Task #1 conduct project management activities (schedule, conduct and document project meetings, etc.) and prepare project materials and deliverables and prepare public and stakeholder communications and processes for input throughout the completion of the Gateway Park PSR.

Deliverable: #2 – Project materials to be determined by BATA Project Manager.

Task #3: Existing and Future Circumstances

The Consultant will:

- a. Review and become knowledgeable of existing and planned circumstances for the Gateway Park Area and the Area of Influence, using existing data, additional research and site visits as appropriate. This Consultant shall become knowledgeable of the following:
 - Current land ownership, land transfer agreements and schedules
 - Existing facilities and site access requirements
 - Current and proposed development, development processes and schedules
 - Current and planned infrastructure improvements
 - Environmental resources, requirements and protections
 - Permitting conditions
 - Historic resources and protections
 - Current and planned pedestrian, bicycle and auto access conditions, patterns and planned improvements
 - Maintenance requirements impacting the area
 - Remediation requirements for contamination, proposed methods and schedules for land within the Gateway Park Area, and resultant land use restrictions, if any
- b. Develop a scaled base map(s) to document existing conditions for the Gateway Park Area and the Area of Influence. The base map(s) will include but not be limited to: topography, wetland delineations, vegetation and natural resource areas, property lines, easements, regulatory boundaries, structure/building footprints, street and parking facilities, utilities, known and suspected areas containing hazardous material contamination and railroad facilities. The base map(s) should also include an accompanying narrative to describe the major aspects of the areas, as well as an assessment of the site opportunities and constraints in regard to views, sound levels, sun and shade patterns.

Deliverable #3: Base map of existing Gateway Park Area.

Task #4: Goals, Objectives, Purpose and Need of the Project

The Consultant will work with the involved agencies to develop a report that:

- a. Describes the background, project history, purpose and need for an improvement project in the Gateway Park Area.
- b. Proposes a set of overall goals, objectives, design guidelines and principles in regards to the Gateway Park Area. The goals, objectives and principles should address land uses, functions, pedestrian, bicycle and vehicle access and circulation, and area aesthetics.
- c. Provides a summary market analysis (e.g. demographic and economic trends, current and proposed development patterns, development strengths and weaknesses, relation between public and private improvements and investments, etc.) for the Gateway Park Area.

Deliverables: #4a - Report on the Goals, Objectives, Purpose and Need of the Project
#4b - Market Analysis for the Gateway Park Area

Task #5: Gateway Park Area Alternatives

The Consultant will:

- a. Develop a minimum of three (3) project alternatives for the development of the Gateway Park Area and prepare scaled plans, elevations, sections and perspectives that illustrate these alternatives, along with a written narrative that describes the anticipated uses and activities to be supported by the plan. Each project alternative may include sub-alternatives with various combinations of geographical area, development options, and site access plans. Each alternative should:
 - Provide detailed options for the development of the park, including facilities, structures, access to the bridge pathway, bike, pedestrian, vehicle and transit access to the site from adjacent neighborhoods, parking facilities, natural resource enhancement opportunities, landscaping, site furniture, energy and environmental responsible "Green" opportunities, and relationships of key components within the park. The options should specifically include the inclusion of a public museum and associated infrastructure and facilities.
 - Provide options for the development areas directly adjacent to the park within the Gateway Park Area. These development options for the areas that are part of the City of Oakland's redevelopment area shall be coordinated with options developed in that development process. The options should address the compatibility of the alternative park plans, as well as, access requirements and opportunities. The options should also account for shoreline erosion and projected sea-level rise and opportunities for relocation of existing facilities, utilities and other infrastructure (e.g. EBMUD dechlorination facilities, overhead high voltage lines, etc.)
 - Provide options regarding pedestrian, bicycle and vehicle, and transit access options for the Gateway Park Area and the Area of Influence for each alternative. For each alternative, the access options should examine the trip patterns and volumes (pedestrian, bicycle, vehicles and transit) and required improvements to the

connections from/to freeway ramps (I-80,I-880 and I-580), West Grand Avenue, Maritime Street, Burma Road, 7th Street, Mandela Parkway and Bay Trail Segments and other connectors, as warranted.

- Include, for each alternative, demand and access analysis and forecasts (e.g. estimates of numbers of users), infrastructure requirements and improvements, pedestrian, bicycle, vehicle and transit access and circulation, environmental considerations, economic opportunities, maintenance service and access requirements, project cost estimates, fund source potential, and other factors as necessary.
- b. Develop detailed evaluation criteria based on the project goals and principles developed in Task #4 and from other community and stakeholder input and conduct an evaluation of the project alternatives.
- c. Recommend a preferred alternative based on the evaluation.

Deliverable: #5 - Gateway Park Area Alternatives Analysis and Preferred Alternative, including presentations of the alternative analysis and preferred alternative to the GPWG and other stakeholders as appropriate.

Task #6: Implementation Plan for Selected Alternative

The Consultant will:

- a. Prepare a detailed description and scaled plan of the selected alternative, including revisions to the selected alternative based on the evaluation of the alternatives and any community and stakeholder input. The selected alternative should address both the conceptual design for the Gateway Park Area and any access improvements regarding the Area of Influence.
- b. Develop an implementation plan for the selected alternative, which shall include, but not be limited to:
 - Identifying the institutional arrangements and lead agencies for implementing the aspects of the development of the PS&E and construction of the Gateway Park Area and access improvements to the area.
 - Identifying the required activities, sequence of activities and participation requirements for the development of the PS&E and construction of the Gateway Park Area and access improvements.
 - Evaluating the availability of utilities to serve future uses and conducting a utility relocation study.
 - Developing a base schedule for added planning, design and construction activities.
 - Identifying all of the potential environmental issues and anticipated environmental studies required and potential mitigation requirements, including describing potential hazardous materials/waste problems and potential mitigation or avoidance.

- Developing a strategy for ensuring that the timing for completion of required hazardous waste remediation does not conflict with the project schedule. Identify all remediation sites and provide a schedule showing the critical path for completion.
 - Identifying permit requirements
 - Identifying the need for any right-of way acquisitions and land transfers and agreements.
 - Identifying the required on-going maintenance activities for the amenities and facilities in the Gateway Park Area and preparing the institutional arrangement for those maintenance activities.
- c. Develop a transportation management and access plan for the Gateway Park Area and Area of Influence, which addresses the demand, patterns and volumes (pedestrian, bicycle, vehicle, and transit) accessing the area and required improvements to the connections from/to freeway ramps (I-80, I-880 and I-580), West Grand Avenue, Maritime Street, Burma Road, 7th Street, Mandela Parkway and Bay Trail Segments. The transportation and access plan should address, but not be limited to, the following:
- Traffic circulation within and to the area
 - Pedestrian and bicycle access within and to the area
 - Transit access and requirements within and to the area
 - Transportation demand management
 - Traffic and parking management
 - Emergency access
 - ADA accessibility

Deliverable: #6 - Implementation Plan for Selected Alternative

Task #7: Cost Estimate and Funding Plan for Selected Alternative

The Consultant will:

- a. Develop a detailed cost estimate for all aspects of the Gateway Park improvements identified. The cost estimate shall address planning and design expenses, environmental analysis and mitigation costs, permitting costs, construction costs, and on-going maintenance expenses.
- b. Estimate the cost of any potential ongoing maintenance, monitoring, reporting and regulatory agency oversight costs/obligations associated with hazardous waste remediation and institutional control requirements.
- c. Identify potential process to reduce project costs (e.g. leverage other developments).
- d. Identify potential or proposed sources of funding, project funding eligibility, fund programming schedules and institutional arrangements in regards to applying for and programming funding. Identify opportunities to access private funding and sponsorships

for aspects of the project costs and potential creative sources of funds. This task will include developing a detailed project finding plan, which identifies all potential sources and schedules for securing funds.

Deliverable: #7 - Cost Estimate and Funding Plan for Selected Alternative

APPENDIX B, SAMPLE TASK BUDGET FORM¹

Deliverable #	Name	Position	Rate [a]	Estimated Hours	Cost \$
1a					
1b					
1c					
2					
3a					
3b					
4					
5					
6					
7					
	Total Labor				
	Travel				
	Per Diem				
	Subconsultants				
	Total Subconsultants				
	Other Direct Expenses				
	Total Other Direct Expenses				
	TOTAL				

Note: [a] Rates must include overhead, general expenses, fees and profit.

Proposers are not required to use this sample Task Budget Form. Proposers may elect to develop their own forms, provided costs are broken down by task at the same level of detail as appears in the detailed work plan submitted in the proposal.

¹ Budget Form available in Word Tables. Ask Project Manager for copy by email.

**APPENDIX C,
CALIFORNIA LEVINE ACT STATEMENT**

California Government Code § 84308, commonly referred to as the “Levine Act,” precludes an officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the officer, or received by the officer on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

MTC’s commissioners include:

Tom Azumbrado
Tom Bates
Bob Blanchard
Dave Cortese
Dean J. Chu
Chris Daly

Bill Dodd
Dorene M. Giacomini
Federal D. Glover
Scott Haggerty
Anne W. Halsted
Steve Kinsey
Sue Lempert

Jon Rubin
Bijan Sartipi
James P. Spering
Adrienne J. Tissier
Amy Rein Worth
Ken Yeager

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any MTC commissioner in the 12 months preceding the date of the issuance of this request for qualifications?

___ YES ___ NO

If yes, please identify the commissioner: _____

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contributions of more than \$250 to any MTC commissioners in the three months following the award of the contract?

___ YES ___ NO

If yes, please identify the commissioner: _____

Answering yes to either of the two questions above does not preclude MTC from awarding a contract to your firm. It does, however, preclude the identified commissioner(s) from participating in the contract award process for this contract.

DATE

(SIGNATURE OF AUTHORIZED OFFICIAL)

(TYPE OR WRITE APPROPRIATE NAME, TITLE)

(TYPE OR WRITE NAME OF COMPANY)

APPENDIX D, SYNOPSIS OF PROVISIONS IN BATA'S STANDARD CONSULTANT AGREEMENT

The selected consultant will be required to sign BATA's standard consultant agreement, a copy of which standard agreement may be obtained from the Project Manager for this RFP. In order to provide bidders with an understanding of some of BATA's standard contract provisions, the following is a synopsis of the major requirements in our standard agreement for professional services. THE ACTUAL LANGUAGE OF THE STANDARD CONSULTANT AGREEMENT SUPERSEDES THIS SYNOPSIS.

Termination: BATA may, at any time, terminate the Agreement upon written notice to Consultant. Upon termination, BATA will reimburse the Consultant for its costs for incomplete deliverables up to the date of termination. Upon payment, BATA will be under no further obligation to the Consultant. If the Consultant fails to perform as specified in the agreement, BATA may terminate the agreement for default by written notice following a period of cure, and the Consultant is then entitled only to compensation for costs incurred for work products acceptable to BATA, less the costs to BATA of rebidding.

Insurance Requirement: The Consultant must obtain and maintain at its own expense the following types of insurance placed with insurers with a Best's rating of A-X or better, for the duration of this agreement: (1) Worker's Compensation Insurance, as required by the law, and Employer's Liability Insurance in an amount no less than \$1,000,000; (2) Commercial General Liability Insurance with a combined single limit of not less than \$1,000,000 for injury to any one person and for any one occurrence and \$2,000,000 general aggregate; (3) Owned, Non-Owned, and Hired Automobile Liability Insurance in an amount no less than \$1,000,000, policy to contain liability Symbol 1 to provide coverage for any auto; (4) Errors and Omissions Insurance in the amount of \$1,000,000; and (5) Umbrella Insurance in the amount of \$10,000,000. The Commercial General Liability Insurance policy shall contain an endorsement to include BATA, its Commissioners, officers, representatives, agents and employees as additional insureds and to specify that such insurance is primary and that no BATA insurance will be called on to contribute to a loss. Certificates of insurance verifying the coverages and the required endorsements and signed by an authorized representative of the insurer must be delivered to BATA prior to issuance of any payment under the Agreement by BATA.

Independent Contractor: Consultant is an independent contractor and has no authority to contract or enter into any other agreement in the name of BATA. Consultant shall be fully responsible for all matters relating to payment of its employees including compliance with taxes.

Indemnification: Consultant agrees to defend, indemnify and hold BATA harmless from all claims, damages, liability, and expenses resulting from any negligent or otherwise wrongful act or omission of Consultant in connection with the agreement. Consultant agrees to defend any and all claims, lawsuits or other legal proceedings brought against BATA arising out of such negligent or wrongful acts or omissions. The Consultant shall pay the full cost of the defense and any resulting judgments.

Data Furnished by BATA: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials (“BATA Data”) made available to the Consultant by BATA for use by the Consultant in the performance of its services under this Agreement shall remain the property of BATA and shall be returned to BATA at the completion or termination of this Agreement. No license to such BATA Data, outside of the Scope of Work of the Project, is conferred or implied by the Consultant’s use or possession of such BATA Data. Any updates, revisions, additions or enhancements to such BATA Data made by the Consultant in the context of the Project shall be the property of BATA.

Ownership of Work Product: All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials (“Work Product”) written or produced by the Consultant under this Agreement and provided to BATA as a deliverable shall be the property of BATA. Consultant will be required to assign all rights in copyright to such Work Product to BATA.

Personnel and Level of Effort: Personnel assigned to this Project and the estimated number of hours to be supplied by each will be specified in an attachment to the Agreement. No substitution of personnel or substantial decrease of hours will be allowed without prior written approval of BATA.

Subcontracts: No subcontracting of any or all of the services to be provided by Consultant shall be allowed without prior written approval of BATA. BATA is under no obligation to any subcontractors.

Consultant's Records: Consultant shall keep complete and accurate books, records, accounts and any and all work products, materials, and other data relevant to its performance under this Agreement. All such records shall be available to BATA for inspection and auditing purposes. The records shall be retained by Consultant for a period of not less than four (4) years following the fiscal year of the last expenditure under this Agreement.

Prohibited Interest: No member, officer or employee of BATA can have any interest in this agreement or its proceeds and Consultant may not have any interest which conflicts with its performance under this Agreement.

Governing Law. The Agreement shall be governed by the laws of the State of California.